

Transitional Justice 9501B
Foundations in Transitional Justice and Post-Conflict Reconstruction

Winter Term 2018
Wednesday 10:30-1:30
Location: LwH 1218

Instructor: Dr. Joanna R. Quinn
Office Location: SSC 4158
Office Hours: Thursday 9:00-11:00
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Description

The course will provide students with inter-disciplinary instruction in Transitional Justice and Post-Conflict Reconstruction. Students will explore aspects of societal and state transition relating to development, democracy, the environment, the economy, human rights, politics, peace agreements and justice before, at the time of, and post-transition. The course will familiarize students with the foundations of emerging debates surrounding transitional justice and post-conflict reconstruction, and to allow for real-world application of theoretical constructs and explanations.

Required Texts

There is no required textbook, *per se*. Instead, a series of journal articles and book chapters has been assigned. Many of these are available from the library in the Centre for Transitional Justice and Post-Conflict Reconstruction, and others are available in Weldon Library. Still others are available online.

How to think about this course

This course is designed to introduce students to the field of transitional justice and post-conflict reconstruction, by tracing the contours of what scholars are thinking about, by outlining the major debates and issues currently underway, and by setting out the major themes and approaches of the field. What students learn in this course will provide a framework for their future studies in transitional justice and post-conflict reconstruction.

The assignments and their evaluation in this course are designed to help students develop their critical thinking skills in ways that relate to their interests in specific areas or theories in the field of transitional justice and post-conflict reconstruction. We will cover a range of debates and issues, and while students may not agree with all of them, students should be able to discuss all of them intelligently. Their ability to accomplish these objectives will be assessed using the assignments and work outlined below.

It is also important to note that the field of transitional justice and post-conflict reconstruction is inter-disciplinary, by its very nature. Their colleagues in this class come from different scholarly traditions and disciplines. This presents us with an exciting opportunity to look at different issues and events through the eyes of all of those traditions and disciplines. Sometimes this might mean

that their colleagues seem to be speaking a foreign language! But if we take the time to listen, we can learn a lot from those other perspectives.

Learning objectives

- a) Depth and Breadth of Knowledge: Students will become familiar with the “canon” of literature in the growing field of transitional justice and post-conflict reconstruction through an advanced core course, in which they will be guided by expert faculty members who are actively researching and publishing in the field. The core course will serve to build a community of scholars, facilitating frequent interaction with faculty, and the interchange of ideas with and interaction among peers.

Intended learning outcome: Students will engage in critical thinking and writing about the core questions that underlie scholarship in the field of transitional justice and post-conflict reconstruction through the preparation of *essays* and *presentations*. These papers and presentations will develop the student's analytic and interpretive skills.

- b) Research and Scholarship: Students will carry out their own independent research projects through the requirements of the program, in the form of essay assignments and dissertations. These assignments will require the critical analysis of current knowledge and the creation of new knowledge, and advanced students' work will be presented at conferences and symposia held through the Centre for Transitional Justice, as well as national and international conferences. Some students will also be selected as research assistants to assist in the development and conduct of research projects carried out by faculty members affiliated with the Centre.

Intended learning outcome: Students will receive *mentorship and training in research methods*.

- c) Level of Application of Knowledge: Some students may be selected as teaching assistants for the undergraduate courses to be taught as components of the Minor in Transitional Justice and Post-Conflict Reconstruction. This will be determined by allocations made within the student's home department or faculty. Other students will have opportunities to convey their specialized knowledge through presentations to, for example, the TJ Club, and in the research colloquium—all on a voluntary basis.

Intended learning outcome: Students will have the opportunity for *knowledge mobilization* through presentations.

- d) Professional Capacity / Autonomy: Students will work toward their own research goals to develop their own ideas, and to present those ideas in the form of conference papers and presentations.

Intended learning outcome: Students will be *trained as highly-qualified personnel*, able to translate their scholarship in both the classroom and the academic forum.

- e) Level of Communication Skills: Students will complete a series of assignments that provide critical analyses of current knowledge and the creation of new knowledge. They will also participate in colloquia, seminars and conferences to orient them toward academic communication at professional events.

Intended learning outcome: Students will *develop rigorous writing and research skills* to assist them in developing and disseminating their own ideas.

- f) Awareness of Limits of Knowledge: Students will undertake a program of advanced study and research in the field of transitional justice and post-conflict reconstruction.

Intended learning outcome: Students will be *exposed to the breadth and expanse of interdisciplinary scholarship* in the field of transitional justice and post-conflict reconstruction.

By the end of the course students should be able to:

1. Discuss different approaches to transitional justice
2. Describe the key events, changes over time and the current state of transitional justice
3. Think critically and write about an issue in transitional justice
4. Evaluate the effectiveness of a policy or inter-state issue in transitional justice
5. Participate in a presentation about a particular theoretical perspective through a case study of transitional justice
6. Analyze current policy and political issues in transitional justice
7. Discuss a current transitional justice issue in historical context

Grade Distribution

| | |
|-----------------------|-----|
| Essay (due March 22) | 60% |
| Seminar Presentation | 20% |
| Seminar Participation | 20% |

Essay

Students will be required to write one term essay of 25-30 typed, double-spaced pages, or between 6250-7500 words. Students are encouraged to speak with the instructor about their proposed topic. The completed paper must be submitted **at the beginning of class on Wednesday, March 28, 2018.**

Late Penalty

The completed paper must be submitted **at the beginning of class on March 28. A late penalty of 10% per day will be applied to papers submitted at any point after the class begins on March 28**

Turnitin

Essays must be submitted to Turnitin.com, using the link on OWL, prior to the start of class on March 28.

Citation Style

Citations **must** be formatted using Chicago-style footnotes, not in-text citations. Students are advised to consult a writer's handbook when composing their essays in order to see how to format things like bibliography and footnotes. One excellent handbook is *A Manual for Writers of Term Papers, Theses, and Dissertations* by Kate L. Turabian. A useful link may be found at the following url: <http://www.wisc.edu/writing/Handbook/DocChicago.html>.

Spelling and Grammatical Errors

Grammatical, spelling and other errors are not acceptable. Students are responsible for their own work, and, as such, students must be careful to proofread their work before turning it in.

Bibliography

Students must attach a Bibliography to their essay. Their bibliography must include a minimum of four academic sources (consult a librarian for clarification on what counts as an academic source (e.g. newspapers, magazines, and encyclopedias do not count). Failure to include at least four academic sources will result in a grade of "F". The highest grades in this course typically go to students that consult a large number of high-quality source materials. Consulting more than eight sources is highly recommended.

Seminar Presentation

Each week, a group of one or two students will present the main points and arguments of the readings assigned for that week, also drawing on themes covered earlier in the term, to the class. Each presentation should be approximately 20 minutes in length. Students must provide a one-page (one-sided) hand-out for students in the class that highlights the main points from the readings, as well as three questions for discussion. As the presentation is expected to be a joint project between the students involved, all students in the group will be graded together. Student presenters are expected to refer to material beyond that assigned to the class.

Seminar Participation

This assessment will be based on regular contributions to the class discussion, reflecting some grasp of the relevant materials and some analytical abilities in applying those materials in the discussion. Students should consult the handout “Student Participation” for criteria.

Etiquette

Discussion and debate is an important component of this course. However, at times, we will be dealing with sensitive and controversial topics. Therefore, our interactions in each forum must be guided by an ethic of respect. Uncivil, disrespectful, abusive or other inappropriate behaviour will not be tolerated. This includes the respectful use of electronics, as detailed below.

Electronics

Electronics are increasingly an important component of the learning process.

- Computers/laptops/netbooks (and similar technologies) will not be permitted—except for reading electronic materials. Their use has been demonstrated to disrupt the learning experience of other students.
- All cellphones (and similar technologies) must be turned off, or set to silent ‘vibration’ mode during the duration of the class and during tutorials. The instructor reserves the right to ensure that students are not text-messaging, surfing the internet, or distracting any students; spot-checks will be conducted during class time.
- No digital taping (either voice or image) is allowed.
- Disruptive behavior will be dealt with on a case-by-case basis and may result in the suspension of laptop privileges.

Course Content Note

The field of transitional justice and post-conflict reconstruction deals with disturbing events like war crimes, crimes against humanity, and genocide, and sometimes we will be discussing historical events that some students may find troubling. If students think specific material could be emotionally challenging for students, I would be happy to discuss any concerns students may have before the subject comes up in class. And if students ever wish to discuss their personal reactions to course material with the class or with me individually afterwards, I welcome these discussions as an appropriate part of our scholarly work.

If students ever feel the need to step out of the classroom during a class discussion, students may always do so without academic penalty. Students will, however, be responsible for any material students miss. If students do leave the room for a significant time, please make arrangements to get notes from another student or see me individually to discuss the situation.

Academic Dishonesty

Many different types of actions may be considered academically dishonest. These might include, although not exhaustively, the following: cheating, submission of work not authored by students, double submission, fabrication, plagiarism. Students are advised to familiarize themselves with the guidelines set out in the Handbook of Academic and Scholarship Policy. These may be found at the following url: <http://www.westerncalendar.uwo.ca/2014/pg113.html>

Students with Disabilities

Any student with a disability is advised to contact the Coordinator for Services for Students with Disabilities in order that arrangements can be made through them to accommodate that student. The Centre for Student Development is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at ssc@sd.uwo.ca, or on the web at <http://www.sdc.uwo.ca/ssd/>

Other Resources

There are many resources at UWO designed to assist students in their learning. Students are strongly advised to utilize these services. The Student Development Centre offers many services, including Effective Writing Programs and Learning Skills Services. The Student Development Centre is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at exams@sd.uwo.ca, or on the web at <http://www.sdc.uwo.ca/>. Students should also become familiar with the services offered by the University Library System. The D.B. Weldon Library may be contacted by telephone at (519)661-3162 or by email at dbwref@lib.uwo.ca, or on the web at <http://www.lib.uwo.ca/weldon/#>.

Course Outline by Topic

January 10 The Importance of Context

No readings for today's class.

January 17 Transitions

Arthur, Paige. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31.2 (2009): 321-367.

de Brito, Alexandra Barahona. "Introduction." *Human Rights and Democratization in Latin America: Uruguay and Chile*. New York: Oxford University Press, 1997.

"The Dilemmas of Transitional Justice." In *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. Washington D.C.: United States Institute of Peace, 1995. pp.xix-xxx.

Whitehead, Lawrence. "International Aspects of Democratization." In *Transitions from Authoritarian Rule: Comparative Perspectives*. Eds. Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead. Baltimore: Johns Hopkins University Press, 1986. pp. 3-46.

January 24 Addressing Colonial Harms

Balint, Jennifer, Julie Evans, and Nesam McMillan. "Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach." *International Journal of Transitional Justice* 8.2 (2014): 194-216.

Corntassel, Jeff and Cindy Holder. "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru." *Human Rights Review* 9.4 (2008):465-489.

Nagy, Rosemary L. "The Scope and Bounds of Transitional Justice and the Canadian Truth and Reconciliation Commission." *International Journal of Transitional Justice* 7.3 (2013): 52-73.

Niezen, Ronald. "The Unfolding." In *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools*. Toronto: University of Toronto Press, 2013, 25-41.

Rice, Brian and Anna Snyder. "Reconciliation in the Context of a Settler Society: Healing the Legacy of Colonialism in Canada." In *From Truth to Reconciliation: Transforming the Legacy of Residential Schools*. Eds. Marlene Brant-Castellano, Linda Archibald, and Mike DeGagné. Ottawa: Aboriginal Healing Foundation, 2008.

January 31 International Criminal Justice

Cohen, David. "Transitional Justice in Divided Germany after 1945." In *Retribution and Reparation in the Transition to Democracy*. Ed. Jon Elster. New York: Cambridge University Press, 2006, 59-88.

Govier, Trudy. "Chapter 1: Revenge and Retribution." In *Forgiveness and Revenge*. New York: Routledge, 2002, 1-22.

Minow, Martha. "Foreword," and "Chapter 1: Introduction." In *Between Vengeance and Forgiveness*. Boston: Beacon Press, 1998.

Osiel, Mark. *Mass Atrocity, Collective Memory, and the Law*. New Brunswick, NJ: Transaction Publishers, 2000, 1-10.

Teitel, Ruti. "Transitional Justice Genealogy," *Harvard Human Rights Journal* 16 (2003): 69-94.

February 07 Truth Commissions

de Greiff, Pablo. "Chapter 6: Truth Telling and the Rule of Law." In *Telling the Truths*. Ed. Tristan Anne Borer. Notre Dame, Ind.: University of Notre Dame Press, 2006.

Hayner, Priscilla. "Chapter 7: Truth vs. Justice: Is it a Trade-Off?" In *Unspeakable Truths*. London: Routledge, 2002.

Minow, Martha. "The Hope for Healing: What can truth commissions do?" In *Truth v. Justice*. Eds. Robert I. Rotberg and Dennis Thompson. Princeton: Princeton University Press, 2000, 235-260,

Rotberg, Robert I. "Truth Commissions and the Provision of Truth, Justice, and Reconciliation." In *Truth v. Justice*. Eds. Robert I. Rotberg and Dennis Thompson. Princeton: Princeton University Press, 2000.

Wiebelhaus-Brahm, Eric. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*. New York: Routledge, 2010, chapters 1 and 2.

February 14 Repair

Govier, Trudy. "Chapter 8: Forgiveness and Reconciliation." In *Forgiveness and Revenge*. New York: Routledge, 2002, 141-157.

Minow, Martha. "Chapter 5: Reparations." In *Between Vengeance and Forgiveness*. Boston: Beacon Press, 1998.

Roht-Arriaza, Naomi. "Reparations Decisions and Dilemmas." *Hastings International and Comparative Law Review* 27.2 (2003-2004): 157-220.

Rudd, Kevin. "Apology to Australia's Indigenous Peoples." Parliament of Australia, *House Hansard*, 13 Feb. 2008. 167-177. Available from [http://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/2008-02-13/toc_pdf/5694-9.pdf;fileType=application%2Fpdf#search=%2283T\)%22](http://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/2008-02-13/toc_pdf/5694-9.pdf;fileType=application%2Fpdf#search=%2283T)%22).

February 21 NO CLASS—READING WEEK

February 28 Gender

Bell, Christine and Catherine O'Rourke, "Does Feminism Need a Theory of Transitional Justice? An Introductory Essay." *International Journal of Transitional Justice* 1 (2007): 23-44.

Hamber Brandon. "Masculinity and Transitional Justice: An Exploratory Essay." *International Journal of Transitional Justice* 1.3 (2007): 375-90.

Nagy, Rosemary. "Transitional Justice as Global Project: Critical Reflections," *Third World Quarterly* 29, no. 2 (2008): 275-289.

Ní Aoláin, Fionnuala. "Advancing Feminist Positioning in the Field of Transitional Justice." *International Journal of Transitional Justice* 6.2 (2012): 205–228.

March 07 Development

Duthie, Roger. "Toward a Development Sensitive Approach to TJ." *International Journal of Transitional Justice* 2.3 (2008): 292-309.

Laplante, Lisa J. "Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework," *International Journal of Transitional Justice* 2.3 (2008): 331-355.

Mani, Rama. "Dilemmas of Expanding Transitional Justice, or Forging the Nexus between Transitional Justice and Development," *International Journal of Transitional Justice* 2.3 (2008): 253-265.

Miller, Zinaida. "Effects of Invisibility: In Search of the 'Economic' in Transitional Justice," *International Journal of Transitional Justice* 2.3 (2008): 266-291.

Orlovsky, Kate and Naomi Roht-Arriaza. "Reparations and Development." A paper presented at the ISA Annual Meeting, 2009.

March 14 Roads to Reconciliation

Dwyer, Susan. "Reconciliation for Realists." In *Dilemmas of Reconciliation: Cases and Concepts*. Eds. Carol A.L. Prager and Trudy Govier. Waterloo: Wilfrid Laurier University Press, 2003.

Huyse, Luc, Priscilla Hayner, Brandon Hamber. *International IDEA Handbook on Reconciliation After Violent Conflict*. Eds. Stef Vandeginste, David Bloomfeld, Teresa Barnes, Desmond Tutu. Stockholm: International IDEA, 2003.

(read Introduction, Conclusion, and pick one other chapter)

Available from

http://www.idea.int/publications/reconciliation/upload/reconciliation_full.pdf

Quinn, Joanna R. "What of Reconciliation? Traditional Mechanisms of Acknowledgement in Uganda." In *Reconciliation(s): Transitional Justice in Postconflict Societies*. Ed. Joanna R. Quinn. Montreal: McGill-Queen's University Press, 2009.

Skaar, Elin, Siri Gloppen, and Astri Suhrke, eds. *Roads to Reconciliation*. Lexington Books, 2005, chapter 3.

March 21 Measuring Effectiveness

Kim, Hunjoon and Kathryn Sikkink. "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries." *International Studies Quarterly* 54.4 (2010): 939-963.

Olsen, Tricia, Leigh Payne, and Andrew Reiter. "Does Transitional Justice Work?" In *Transitional Justice in Balance: Comparing processes, weighing efficacy*. Washington: USIP, 2010.

Snyder, Jack L. and Leslie Vinjamuri. "Preconditions of International Normative Change: Implications for Order and Violence." In *Order, Conflict, and Violence*. Eds. Stathis N. Kalyvas, Ian Shapiro and Tarek Masoud. Cambridge: Cambridge University Press, 2008.

Wiebelhaus-Brahm, Eric. "Uncovering the Truth: Examining Truth Commission Success and Impact." *International Studies Perspective* 8 (2007): 21.

March 28 Local and Grassroots Actors

Lundy, Patricia and Mark McGovern. "Whose Justice? Rethinking Transitional Justice from the Bottom Up." *Journal of Law and Society* 35.2 (2008): 265-292.

McEvoy, Kieran and Lorna McGregor. "Transitional Justice From Below: An Agenda for Research, Policy and Praxis." In *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*. Eds. Kieran McEvoy and Lorna McGregor. Portland, OR.: Hart Publishing, 2008.

Robins, Simon. "Transitional justice as an elite discourse: Human rights practice between the global and the local in post-conflict Nepal." A paper presented at the ISA Annual Convention 2010.

Shaw, Rosalind and Lars Waldorf. "Introduction: Localizing Transitional Justice" In *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*. Eds. Rosalind Shaw, Lars Waldorf, and Pierre Hazan. Stanford, CA: Stanford UP, 2010.

Vinck, Patrick and Phuong Pham, "Ownership and Participation in Transitional Justice Mechanisms: A Sustainable Human Development Perspective from Eastern DRC," *International Journal of Transitional Justice* 2 (2008): 398-411.

**** Essays due at beginning of class ****

April 4 No Class

April 11 Looking Forward

Fletcher, Laurel E., Harvey M. Weinstein, Jamie Rowen. "Context, Timing and Dynamics of Transitional Justice: A Historical Perspective." *Human Rights Quarterly* 31.1 (2009):163-220.

United Nations Secretary General. S/2004/616. *Report of the Secretary General: The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, 2004.

United Nations Secretary General. S/2011/634. *Report of the Secretary General: The rule of Law and Transitional Justice in Conflict And Post-Conflict Situations*, 2011.

STUDENT PARTICIPATION

Participation Grading Guide

| Grade | Attendance | Discussion | Reading |
|--------------|-------------------|---|--|
| 20 | Always | <u>Excellent</u> : leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions | Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion |
| 15-19 | Almost always | <u>Very Good</u> : thoughtful comments and questions for the most part; willing, able and frequent contributor | Has done most readings; provides competent analysis of reading when prompted by others |
| 10-14 | Frequent | <u>Good</u> : has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions | Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material |
| 5-9 | Occasional | <u>Somewhat Poor</u> : remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic | Actual knowledge of material is outweighed by improvised comments and remarks |
| 0-4 | Rare | <u>Poor</u> : rarely speaks; parrots text or comments of others | Little or no apparent familiarity with assigned material |

ESSAYS
Grading Grid

| | |
|---------------------------------|--|
| Argument | |
| Organization of the Essay | |
| Quality of evidence | |
| Communication Skills | |
| Use of quotations and footnotes | |
| Creativity | |
| Other Comments | |
| Grade | |